

REMARKS

Claims 1-18 are currently pending in the present application, with Claims 1, 10, 16, and 18 being amended. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1-18 as being anticipated under 35 U.S.C. 102(b) by Boykin (U.S. Patent Pub. No. 2001/0042048). This rejection is respectfully traversed.

As previously communicated, the present invention is generally directed to an apparatus or program-encoded medium for facilitating the replication of musical content that is otherwise protected from unauthorized duplication. According to a preferred embodiment of the present invention, original music content is acquired from an original source, after which duplicate copies is replicated.

During replication of the original musical content, additional information is also generated and appended to the replicated musical content. In addition to indicating that the replicated musical content is a duplicate copy, the additional information also indicates the source from which the duplicated copy is replicated.

As also previously communicated, Boykin does not contain any disclosure or suggestion of, while replicating original musical content, generating additional information that indicates the replicated copy to be a duplicate and identify the source from which the duplicated copy is replicated. Applicants have amended the claims to further clarify that the source from which the duplicated copy is replicated means a source at which the original content is stored. As explained in the present application, a novel feature of the present invention is providing a method to verify that the source from which a replicated copy of the musical content is an authorized source of

replication. As recited in more detail in Claim 8, for example, use of the replicated music content is authorized only when the original content source location can be verified.

Rather, Boykin discloses a musical distribution method by which a first user may purchase musical content and freely distribute, to a second user, the purchased musical content at a lower recording quality. The shared musical content includes the first user's identification information such that, should the second user choose to purchase the musical content in order to acquire a higher fidelity recording, the first user is awarded with referral points.

Again, as previously communicated, Boykin discloses appending only ID information with the shared musical piece, which is not indicative of a location of where the original musical content is stored. (see paragraph [0035] of Boykin). The ID information disclosed in Boykin is simply an identification of an owner of the musical content for purposes of confirming originality, not a location at which the original musical content is stored, and a location that can be later searched for and found.

Furthermore, Applicants note that, with respect to Claim 10, the Examiner does not point to any disclosure in Boykin that teaches or suggest structures that correspond to a search section or a use section that performs the functions recited in the claims.

Accordingly, in view of the above, Applicants respectfully submit that Claims 1-18 are not anticipated by, nor obvious in view of, Boykin.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032045000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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